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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON AT SPOKANE

CURTIS J. COOK, and all other
Washington residents who hold
similar claims against the
Defendant,

Plaintiffs,

vs.

BISHOP, WHITE, MARSHALL
& WEIBEL, P.S.,

Defendants.

No. CV-10-320-EFS

DEFENDANTS' MOTION TO
DISMISS UNDER
FED. R. CIV. P. 12(b)(6)

HEARING: JANUARY 28, 2011
TIME: 6:30 PM

I. INTRODUCTION

Pursuant to Fed. R. Civ. P. 12(b)(6), defendant Bishop, White, Marshall & Wiebel, P.S. ("Bishop") moves to dismiss in its entirety the complaint filed by plaintiff Curtis J. Cook ("Cook") for the reasons set forth in Defendant's Memorandum in Support of Motion to Dismiss Under Fed. R. Civ. P. 12(b)(6), and specifically:

(1) Representations in a Cost Bill made to a superior court and responded to by an attorney do not fall under the federal Fair Debt Collection Practices Act ("FDCPA");

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1 (2) Even if requests in a Cost Bill did fall under the FDCPA, the costs
2 sought by Bishop are authorized by law and Cook's CardMember Agreement;

3 (3) It is bad policy to permit FDCPA claims to be brought simply because a
4 judge has not granted every item sought in a Cost Bill filed with the court.

5 **II. POINTS AND AUTHORITIES**

6 Bishop is concurrently filing a Memorandum of Points and Authorities in
7 support of this motion, in conformity with Eastern District Local Rule 7.1(b).

8 **III. CONCLUSION**

9 For reasons set forth above and in Bishop's Memorandum of Points and
10 Authorities, Bishop requests this court to dismiss plaintiff's complaint.

11 **IV. PROPOSED ORDER**

12 A proposed order is being provided with this motion.

13 DATED this 15th day of October, 2010.

14 LEE SMART, P.S., INC.

15
16 By: s/ Marc Rosenberg
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18 Of Attorneys for Defendants

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